

REMARKS

Claims 1, 7, 10-14, 22, 24, 29-32, 39, 68 and 115-119 are pending in the application. Claim 29 has been amended in accordance with provisional election of species 2) “entity able to emit electromagnetic radiation” in group C. Claims 22, 30-32, 68, and 115 have been withdrawn as a result of provisional election of species in response to the election of a single species requirement. Accordingly, no new matter has been inserted into the application.

Election/Restrictions

The Examiner has required election of a single disclosed species from each of the following groups A, B, and C:

A. method of a binding partner:

- 1) topically
- 2) systemically

B. binding partner:

- 1) biological binding partner
- 2) antibody
- 3) chemical compound

C. signaling entity

- 1) entity able to absorb electromagnetic radiation
- 2) entity able to emit electromagnetic radiation
- 3) entity is electronically detectable
- 4) entity is chemically detectable
- 5) entity is fluorescent

6) entity is an agglomeration of colloid particles.

Applicants traverse this requirement. Reconsideration and withdrawal thereof are earnestly requested.

Applicants state that the presently claimed invention is directed to a method comprising: applying to a localized region of a body of a patient a binding partner immobilized relative to or able to be immobilized relative to a signaling entity; and determining immobilization of the signaling entity within or on the body of the patient. Applicants submit that the inventive method may be performed with various binding partners and signaling entities in different modes. Accordingly, Applicants note that requiring election of a single species from all of the possibilities is not proper considering the intended use of the inventive method. Further, it would not place undue burden on the Examiner to search and consider all of methods of a binding partner, binding partner, and signaling entity together.

However, in order to be responsive to the outstanding Election of Species requirement, Applicants provisionally elect to prosecute 1) topically, 2) antibody, and 2) entity able to emit electromagnetic radiation from groups A, B, and C, respectively.

The Examiner states that claim 1 is generic to the disclosed patentably distinct species listed above. It is believed that all of the pending claims are readable on the provisionally elected species identified above.

Applicants acknowledge the Examiner's indication that upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claims as provided by 37 CFR 1.141.

Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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